



January 14, 2005

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## SENATE BILL No. 94

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DIGEST OF SB 94 (Updated January 13, 2005 11:52 am - DI 102)

**Citations Affected:** IC 36-8.

**Synopsis:** Employment absence for volunteer firefighters. Specifies that the absence of a political subdivision employee who is a volunteer firefighter responding to a fire or an emergency call is not a violation of the ghost employment statute and that the supervisor of the employee who has authorized the absence has not committed ghost employment. Provides that a political subdivision employer is not required to pay salary or wages for the time the employee was absent.

**Effective:** July 1, 2005.

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### Lewis, Young R, Dillon

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January 4, 2005, read first time and referred to Committee on Pensions and Labor.  
January 13, 2005, amended, reported favorably — Do Pass.

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SB 94—LS 6344/DI 96+



January 14, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 94

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-12-10.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10.5. (a) This section  
3 does not apply to an employee of the state subject to IC 4-15-10-7.

4 (b) This section applies to an employee of a political subdivision  
5 who:

6 (1) is a volunteer firefighter; and

7 (2) has notified the employee's employer in writing that the  
8 employee is a volunteer firefighter.

9 (c) The political subdivision employer may not discipline an  
10 employee:

11 (1) for being absent from employment by reason of responding to  
12 a fire or emergency call that was received before the time that the  
13 employee was to report to employment; or

14 (2) for leaving the employee's duty station to respond to a fire or  
15 an emergency call if the employee has secured authorization from  
16 the employee's supervisor to leave the duty station in response to  
17 a fire or an emergency call received after the employee has

SB 94—LS 6344/DI 96+



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1 reported to work.

2 (d) The political subdivision employer may require an employee  
3 who has been absent from employment as set forth in subsection (c)(1)  
4 or (c)(2) to present a written statement from the fire chief or other  
5 officer in charge of the volunteer fire department at the time of the  
6 absence indicating that the employee was engaged in emergency  
7 firefighting or emergency activity at the time of the absence.

8 **(e) This section does not require a political subdivision to pay**  
9 **salary or wages to an employee who has been absent from**  
10 **employment within the meaning of subsection (c) for the time away**  
11 **from the employee's duty station.**

12 **(f) A public servant who permits or authorizes an employee of**  
13 **a political subdivision under the supervision of the public servant**  
14 **to be absent from employment or to leave the employee's duty**  
15 **station in order to engage in emergency firefighting or emergency**  
16 **activity under this section is not considered to have committed a**  
17 **violation of IC 35-44-2-4(b).**

18 ~~(c)~~ (g) An employee who is disciplined by the employer in violation  
19 of subsection (c) may bring a civil action against the employer in the  
20 county of employment. In the action, the employee may seek the  
21 following:

- 22 (1) Payment of back wages.
- 23 (2) Reinstatement to the employee's former position.
- 24 (3) Fringe benefits wrongly denied or withdrawn.
- 25 (4) Seniority rights wrongly denied or withdrawn.

26 An action brought under this subsection must be filed within one (1)  
27 year after the date of the disciplinary action.

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SENATE MOTION

Madam President: I move that Senator Young R be added as coauthor of Senate Bill 94.

LEWIS

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SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 94.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17

Page 2, delete lines 1 through 20.

Page 2, line 24, reset in roman "of a political subdivision".

Page 2, line 29, reset in roman "political subdivision".

Page 2, line 39, reset in roman "political subdivision".

Page 3, line 3, delete "an employer" and insert "**a political subdivision**".

Page 3, line 8, delete "municipal corporation" and insert "**political subdivision**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 94 as introduced.)

HARRISON, Chairperson

Committee Vote: Yeas 7, Nays 0.

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